

REMARKS/ARGUMENTS

Claims 1-14 were pending. After amendment, claims 2, 4-9, 12 and 14 will be pending.

The Examiner objected to the disclosure for a phrase including "a translucent text edit box ...". At this time, this phrase cannot be found in the disclosure, thus the undersigned respectfully requests the Examiner to clarify where the passage at issue is located.

Claims 4 and 9 were objected to. In response, claims 4 and 9 were amended, as suggested by the Examiner.

Claims 1-10 were rejected under 35 U.S.C. 101 as being related to a "data structure." These rejections are traversed in light of the discussion below.

Claims 1-5 and 10-14 were rejected under 35 U.S.C. 102(e) as being anticipated by Harvey et al. (US Patent No. 6,784,901). These rejections are respectfully traversed in light of the discussion, below.

Claims 6-8 were variously rejected under 35 U.S.C. 103(a) as being anticipated by Harvey in view of Finkelstein et al. (US Patent No. 6,025,841) or Mckinnon et al. (US Patent No. 6,392,667). These rejections are respectfully traversed in light of the discussion, below.

I. ARGUMENTS

A. 101 Rejection

Claims 1-10 were rejected under 35 U.S.C. 101 as being related to a "data structure." These rejections are traversed because the undersigned is not clear as to the applicability of the rejection to claims 1-10. Independent claim 2, as amended, currently relates to a communication device comprising a number of units: a letter string editing unit, a decide input reception input, a sending unit, a reception unit, a font acquiring unit, and a display image generation unit. These hardware units are not "data structures" and are asserted to be statutory subject matter under 35 U.S.C. 101.

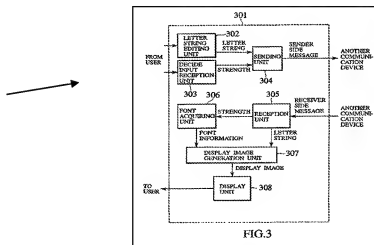
In the case the rejection under 35 U.S.C. 101 was to be directed to independent claim 14, claim 14 has been amended to stress that the subject matter claimed is statutory under 35 U.S.C. 101. More specifically, claim 14 was amended as follows:

14. (currently amended) A computer usable medium having a computer program comprising computer-executable code for controlling a computer to function as:

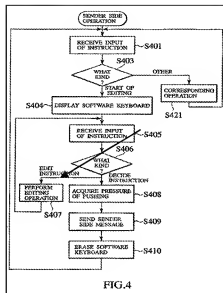
In light of the above, the rejection under 35 U.S.C. 101 are asserted to be traversed.

B. The Present Invention

The undersigned also traverses the rejection of claim 2 under 35 U.S.C. 102(e). Various embodiments of the present invention disclose methods of allowing capture of writer emotion for communications such as chat. Specifically, as illustrated in Fig. 3, input from the user is provided to a letter string editing unit 302 AND to a decide input reception unit 303. The decide input reception unit 303 determines the "strength" (e.g. emotion) of the writer based upon the input.



As illustrated in Fig. 4, in step s408 a decision is made as to the "pressure or pushing" to determine the strength or emotion:



As discussed in the specification, the writer physically pushes a button on a controller, and the amount of time the button is pushed (e.g. for selection of a letter) is used for determining strength or emotion of the message. More specifically, the specification states:

[T]he CPU101 acquires a pressure of pushing the circle button 205 by the user (step s408). ...The larger the value of strength information is, the larger the pressure is, which means the user is operating energetically by consuming his/her physical power. That is, the CPU 1010 functions as the decide input reception unit 303 in cooperation with the controller 105. P. 16, l. 1-7.

By designing the user interface so that an edited letter string message is in response to a pushing operation to the circle button 205 as described above, a user shows a tendency that when he/she gets excited and emotional and thus wants to transmit a message with a strong willpower, he/she pushes the circle button 205 with a strong power without knowing it him/herself. P. 16, l. 17-21.

In various embodiment, as the user composes a chat message, the strength information is based upon an average strength of the strength the user presses the buttons, or the like. More specifically, the specification states:

That is, the pressure of pushing the .Arrow-up bold. button 201, the .dwnarw. button 202, the .rarw. button 203, and the .fwdarw. button 204 which are used to move the cursor 604 for selecting a letter in the software keyboard 602, and the pressure of pushing the circle button 205 after the cursor 604 is placed on a letter, are detected.

The time average value of these detected pressures is used as the strength information. When calculating the average, a weight may be adequately added.
P.19, l.26-p.20. l.4.

As further described in the specification, other ways of physically specifying strength information are contemplated, such as pushing an analog joystick, or via voice strength. More specifically, the specification states:

The strength information may be acquired not only from the pressure of pushing the circle button 205, but also from the joysticks 213 and 214 by deforming the joysticks 213 and 214, which means that a decide instruction is input, and by detecting the amount of deformation with the deformation gauges. P.16, l.22-25.

Further, in a case where the game console 100 comprises a mike, a voice uttered by the user may be picked up by the mike, and if the voice is equal to or greater than a predetermined sound volume, this voice may be recognized as an input of a decide instruction and the sound volume of this voice may be used as the strength information.
P.16, l.26-p.17, l.2.

Further, in various embodiments, the strength information is pre-associated with font size information. In other words, the strength determined by the user pressing the button, joystick, or the like is pre-associated with a chat message font size. Specifically, the specification states:

Then, the CPU 101 acquires font information specifying a font size which is associated in advance with the strength information specified by the receiver side message, from the ROM 102 or the DVD-ROM installed on the DVD-ROM drive 108 (step S502). That is, the CPU 101 functions as the font acquiring unit 306 in cooperation

with an information recording medium storing such font information. In acquiring font information, the following ranking method may be employed.

strength information 0 to 15--6 point font information

strength information 16 to 31--8 point font information

strength information 32 to 47--10 point font information

strength information 48 to 63--11 point font information

strength information 64 to 79--12 point font information

....

strength information 192 to 207--36 point font information

strength information 208 to 223--48 point font information

strength information 224 to 255--72 point font information. P.17,l.11-p.18,l.4.

Some of the described embodiments of the present invention are recited in claim

2. More specifically, claim 2 recites:

a letter string editing unit that receives an edit instruction for editing a letter string from a user by pressing keys of a keyboard or buttons of a controller together with an operation strength with which the user presses the keys of the keyboard or the buttons of the controller for inputting the edit instruction, and edits the letter string in accordance with the edit instruction;

a font acquiring unit that acquires font information designating a font having a size which is pre-associated with the average or the weighed average of the operation strength and the strength information specified in the receiver side message;

C. Harvey

Harvey appears to describe a chat-type system for users positioned in a 3D environment.

One specific aspect of Harvey described is the ability of a sender of a chat message to determine how "far" the chat message will carry. More specifically, will the chat

message be heard by only those users immediately next to the user, be heard by only those users close to the user, or be heard by many people in the 3D environment.

More specifically, for sending a chat message, Harvey allows the user to consciously select a "mode" of communication. Specifically, Harvey discloses:

Chat mode button 1110 allows the user to cycle through various modes of communication. The default mode is "speak" mode. This sends messages to all users in local chat area 1107. Col.8,l.36-39.

The other "modes" the user can select allows the chat message to be broadcast to a fewer number or greater number of users. Specifically, Harvey discloses:

"Whisper" mode allows a user to send a private message to a single other user or Avatar in local chat area 1107. When in whisper mode, a list box with the names of local Avatars and the members of a user's buddy list appears to select a recipient. This entry area is also configurable from the outside, to allow it to be configured with a recipient when the user double clicks on an Avatar figure or Avatar name tag 1102. The final chat mode is "shout" mode which reaches all users currently known by the user's server. Col.8,l.39-48.

In Harvey, the font selection in step 904 in Fig. 9, is not tied to any strength information at all. In fact, the section cited by the Examiner merely mentions that the font size is selected, without any disclosure at all about any criteria for font size selection. Specifically, Harvey merely states:

FIG. 9 is a flowchart further describing the step of determining the drawing parameters of the chat message in FIG. 8. In FIG. 9, control starts at step 904. In step 904, chat local display 112 determines the font in which the chat message is to be displayed. Once determined, the font is stored in font object 604 (FIG. 6) in chat wad object 502. Control then passes to step 906. Col.14,l.29-35.

As can be seen, in Harvey, the user merely specifically chooses how far their chat message will be broadcast. Harvey does not disclose determining a strength of a user in operating a keyboard or button. Further, Harvey does not disclose a character font size being modified based upon strength of a user operation.

D. Harvey Distinguished

Claim 2, as amended is asserted to be allowable over Harvey because, Harvey fails to teach, disclose or suggest all the limitations of claim 2, as amended.

More specifically, Harvey fails to disclose the limitation of: a letter string editing unit that receives an edit instruction for editing a letter string from a user by pressing keys of a keyboard or buttons of a controller together with an operation strength with which the user presses the keys of the keyboard or the buttons of the controller for inputting the edit instruction, and edits the letter string in accordance with the edit instruction.

As discussed above, at best, Harvey teaches allowing the user to specify how wide their chat message will be broadcast. Specifically, a "whisper mode" will transmit the message to local users on a buddy list, a "speak mode" will transmit the message to local users, and a "shout mode" will transmit the message to many users.

In contrast, as recited above, claim 2 recites being able to determine the "operation strength" of a press of a keyboard. This is not done by Harvey at all.

Further, Harvey fails to disclose the limitation of: a font acquiring unit that acquires font information designating a font having a size which is pre-associated with the average or the weighed average of the operation strength and the strength information specified in the receiver side message.

As discussed above, Harvey is completely silent as to how font sizes are determined.

In contrast, as recited above, claim 2 recites having the font size being determined based upon strength information. Further, claim 2 recites the font size and the strength information being pre-associated.

Accordingly, for at least the above reasons, claim 2 is not anticipated by Harvey.

Claims 4,5,6,7, 8 and 9 dependent upon claim 2 are also asserted to be allowable, for substantially the same reasons as claim 1, and more specifically, for the specific limitations they recite.

Independent claims 12 and 14 are also asserted to be allowable, for substantially the same reasons as claim 2, and more specifically, for the specific limitations they recite.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Stephen Y. Pang/

Stephen Y. Pang
Reg. No. 38,575

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400 Fax: 415-576-0300
SYP:djb
61175612 v1